

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date 8/18/04

Division

County Attorney

AGENDA ITEM WORDING

Presentation of settlement offer in Monroe County v. Mark Fraleigh.

ITEM BACKGROUND

Mark Fraleigh purchased the structures that encroach on the County's right-of-way on Card Sound road last year for @ \$125,000.00. The County had sued the prior owner and now Mr. Fraleigh to remove the structures from the right-of-way. The structures consist of a stilt house, with boat slips beneath, fencing, landscaping, a pavilion, decking, and dockage. Only a small portion of the structures are located on the County's right-of-way. The balance is located over state owned submerged lands.

Fraleigh has offered to convey the structures to the County and/or the state for public or governmental use in exchange for a refund of his investment. Staff has identified a number of arguments against acquiring the structures including issues of consistency with the comprehensive plan, structural integrity questions, and sanitation issues, to name just a few.

PREVIOUS RELEVANT BOCC ACTION

The Board authorized litigation in April of 2002. This settlement offer was discussed in a preliminary manner at the July meeting. The Board directed staff to present the Board with additional information at the August meeting in Key Largo.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Reject proposed settlement offer.

TOTAL COST

BUDGETED Yes No

COST TO COUNTY

SOURCE OF FUNDS

APPROVED BY: County Attorney ■ OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL:

 08/03/07
JOHN R. COLLINS

DOCUMENTATION: Included xxxxx

AGENDA ITEM # 012

STRATTON & FEINSTEIN, P.A.

email: douglas@strattonfeinstein.com

DOUGLAS D. STRATTON, ESQ.
BRETT FEINSTEIN, ESQ.
DARRYL C. DUNGAN, ESQ.

Of Counsel:
SUSAN TIFFANY, ESQ.

407 Lincoln Road, Suite 2A
Miami Beach, FL 33139
Telephone (305) 672-7772
Toll Free (877) 464-7772
Facsimile (305) 672-1038

July 7, 2004

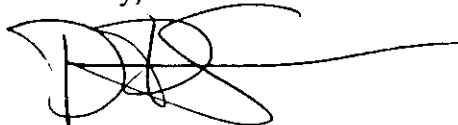
Robert B. Shillinger, Jr.
Assistant County Attorney
P.O. Box 1026
Key West, FL 33041-1026

RE: MY CLIENT - MARK FRALEIGH
YOUR CLIENT - BOARD OF COUNTY COMMISSIONERS OF MONROE
COUNTY
CIRCUIT COURT CASE, 16TH JUDICIAL CIRCUIT; CASE NO. CA-P03-647
MY FILE NO. 04-020

Dear Mr. Shillinger:

As we have discussed my client wants the property to go to some beneficial use. I had suggested that you speak to the County Administrators and the County Mayor regarding the County acquiring the property from my client to use as an adjunct to the boat ramp. There are docks underneath the property and the property is fully weatherized so that it can be used both in wet or dry weather. The County's Marine Patrol might want to use the facility to dock their boats because this is at the northern end of their patrol range; it might provide a location for other County agencies and to help in monitoring the boat ramp or to provide other services such as bait and tackle, etc. It may be that the County along with the State would want to use it for police purposes and share the expense with the State's Marine Patrol. As you are aware my client acquired the property one year ago and is not looking to make a profit but merely to reach an agreement that would be to the benefit of all parties. I will be out of town on vacation until July 16th. Please contact me after that date.

Sincerely,



DOUGLAS D. STRATTON, ESQ.

DDS:bjp

cc: client

RECEIVED

JUL 08 2004

MONROE COUNTY ATTORNEY